



# PEOPLE FOR THE AMERICAN WAY

Your Voice Against Intolerance

RM 8491

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

July 12, 1994

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 814  
Washington, DC 20554

RE: Petition for Rulemaking and Petition for Relief in  
Section 214 Video Dialtone Application Process (DA 94-  
621)

Dear Mr. Caton,

People For the American Way, a non-partisan 300,000 member constitutional liberties organization, strongly supports the relief requested by the NAACP, the National Council of La Raza, the Consumer Federation of America, the Center for Media Education and the Office of Communication of the United Church of Christ, in their petitions regarding the provision of video dialtone service.

The introduction of video dialtone is a major step in the deployment of the national information infrastructure. It has the potential to play an important role in the advancement of First Amendment values by transmitting an enormous amount of video, audio and data into American homes. Whether the audiences and speakers connected to the system are from diverse backgrounds will have important effects upon the diversity of expression available to all consumers. Prompt deployment of service to racially diverse and lower-income populations will have important effects on the diversity of expression on the medium.

Video dialtone also has the potential to provide a rich array of interactive applications of significance in such areas as education, health care, economic development and participation in the political process. Access to such interactive technologies is likely to become an important element of equal opportunity in our society. These technologies have the capacity to enhance equal opportunity by permitting citizens living in disadvantaged areas to bypass deficient infrastructure in their own communities and to tap into opportunities and resources available in more affluent areas. However, unless these technologies are available without regard to race or income, their deployment may merely serve to aggravate the major differences in opportunities that separate advantaged and less advantaged Americans.

In the face of this challenge, the Commission must not allow the early phases of video dialtone deployment largely to bypass



African-American, Latino, Native American and low income populations. Unless the Commission takes action, the opportunities of an entire generation living in these communities today may be diminished before their communities eventually receive promised access at some unspecified subsequent date.

For this very reason, the Vice-President stated at the National Press Club on December 21, 1993


If we allow the information superhighway to bypass the less fortunate sectors of our society -- even for an interim period -- we will find that the information rich will get richer while the information poor get poorer with no guarantee that everyone will be on the network at some future date (emphasis added).

We urge the Commission to take action to begin to fulfill the Vice-President's promise to stem expansion of the gap dividing the "information rich" from the "information poor." The Commission should issue regulations stating unequivocally that video dialtone providers are bound by the principles of non-discriminatory and universal service. The Commission's regulations should further state that at each stage of deployment, video dialtone must be provided in areas that are representative of the racial and lower-income presence in each city, suburb and metropolitan area in which carriers deploy service. Such regulations would fit squarely within the Commission's longstanding interpretation of the universal service and access principles at the core of the Communications Act of 1934.

Finally, the Commission should revise the existing video dialtone application process to enable community members to offer informed comments about the plans of the telecommunications providers that will affect them. That application process should require that video dialtone providers submit tract-level census data regarding the areas they seek approval to serve. This submission would enable the public and the Commission staff to review all video dialtone proposals to ensure that the proposal would not discriminate against minority and low income citizens.

It behooves the Commission to take firm action to ensure that deployment of video dialtone does not exacerbate the disparity between rich and poor, and further divide our society along racial lines. Sound public policy, not unfettered and divisive market decisions, must guide the way into our technological future.

Sincerely,

  
Elliot Minberg  
Legal Director

  
Jim Halpert  
Legislative Counsel